

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CLOUDOFCHANGE, LLC,
Plaintiff,

v.

CLOVER NETWORK, INC.,
Defendant.

6:22-CV-00634-ADA-DTG

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Dereck T. Gilliland. ECF No. 91. The Report recommends that this Court grants Defendant Clover Network Inc.'s Motion to Transfer Venue (ECF No. 18). The Report and Recommendation was filed on May 18, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on June 1, 2023. ECF No. 92. Defendant did not file a response. The Court has conducted a *de novo* review of the motion to transfer, the responses, the report and recommendation, the objections and responses to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted, and clarifies the recommendation. The sources

of proof, compulsory process, willing witnesses, and local interest factors all weigh in favor of transfer. The Magistrate properly found that Defendant has met its burden to prove that the Northern District of California is clearly more convenient.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 92, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion to Transfer Venue (ECF No. 18) is **GRANTED** in accordance with the Report and Recommendation and the case is hereby transferred to the Northern District of California.

SIGNED this 16th day of June, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE